

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405, STATE CAPITOL BUILDING
February 12, 2004**

Members Present: Sen. D. Chris Buttars, Co-Chair
Rep. David L. Hogue, Co-Chair
Sen. Patrice Arent
Sen. Michael Waddoups
Rep. Scott Daniels
Rep. James A. Dunnigan
Rep. Eric K. Hutchings
Rep. Brad King
Rep. Bradley G. Last
Rep. Dana C. Love

Members Absent: Rep. Ron Bigelow

Staff Present: Jonathan Ball, Fiscal Analyst
Gary Ricks, Fiscal Analyst
Kevin Walthers, Fiscal Analyst
Greta Rodebush, Committee Secretary

Visitors List: List filed with committee minutes

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

NOTE: All those who testified before the subcommittee did so under the oath as administered by Fiscal Analyst, Gary Ricks.

Co-Chair Buttars called the meeting to order at 2:20 p.m. He indicated that the subcommittee would first address changes in intent language, changes in fees, and then review the priorities list. The subcommittee submitted their preferences on the priorities list to Analyst Jonathan Ball who proceeded to tabulate them and produce a master list for further subcommittee consideration.

Intent Language

Co-Chair Buttars indicated that the Attorney General's Office had approached him with a revision to the budget request on RS 2477 Rights-of-Way. Scott Mecham, Financial Manager, Attorney General's Office, requested that \$150,000 GF - Constitutional Defense Fund be approved instead of \$120,000. The additional \$30,000 would be used for support staff and current expense costs directly associated with that program. Mr. Mecham also asked that the intent language be amended to reflect that difference.

Co-Chair Hogue asked why this request had not been made earlier. Mr. Mecham stated that the Attorney General's Office did not ask for this as a budget increase initially because their priority was for the attorney's salary increase. Upon further review, it was determined that the \$120,000 was insufficient to cover the support costs for that attorney.

Sen. Waddoups asked for a response from the Governor's Office on how this additional \$30,000 would impact the Constitutional Defense Fund. Even though \$30,000 will not significantly impact the \$1.8 million in that Fund, Lynne Ward, Deputy Chief of State, Governor's Office, pointed out that current costs for this attorney position run about \$121,400, \$1,400 is being covered by the Attorney General's Office.

Co-Chair Butters did not ask for subcommittee action on this request at this time.

Analyst Ball brought to the subcommittee's attention a request by the Department of Corrections to include intent language that would authorize the purchase of a vehicle for every two Adult Probation and Parole agents hired.

MOTION: Rep. Hutchings moved that the subcommittee approve the following intent language for the Department of Corrections:

It is the intent of the Legislature that, if the Department of Corrections is able to reallocate resources internally to fund additional Adult Probation and Parole agents, for every two agents hired, the Legislature grants authority to purchase one vehicle with Department funds.

The motion passed unanimously with Rep. Dunnigan absent for the vote.

Analyst Ball explained a proposal on Courts, Jury, Witness and Interpreter Fees which would reimburse Courts for an allowed deficit to cover juror costs. He noted that the amount had already been deducted from FY 2004 beginning balances.

MOTION: Rep. Love moved that we transfer \$559,300 from the General Fund for Jury, Witness, and Interpreter fees. The motion passed unanimously.

Fees

Analyst Ricks distributed a list of fees with suggested increases requested by the Department of Public Safety. Rick Wyss, Special Counsel, Department of Public Safety, explained that these fee increases reflect the difference in the actual costs of services provided and the fees collected.

Judy Hamaker Mann, Director, Drivers License Division, commented that fee increases for Commercial Driver Schools are needed to cover the expenses incurred to audit, investigate, and re-certify these schools.

MOTION: Rep. Daniels moved to approve the fees with increases as recommended for the Department of Public Safety.

SUBSTITUTE

MOTION: Rep. Hogue moved to strike the increase in fees for Concealed Carry Weapons Firearms Instructor and approve the remainder of the list.

After subcommittee discussion, Rep. Hogue withdrew his motion.

SUBSTITUTE

MOTION: Rep. Hutchings moved to approve lines 18-24, lines 32,36,37,38, 61,62,63, and 65 and not approve the remaining fees on the list.

After subcommittee discussion, Rep. Hutchings withdrew his motion.

SUBSTITUTE

MOTION: Rep. Dunnigan moved to go through the list by division and come to some common agreement on what these fees should be.

MOTION: Senator Buttars moved to call for previous question. The motion passed unanimously.

A vote was taken on Rep. Dunnigan's substitute motion. The motion failed with Sen. Buttars, Sen. Waddoups, Rep. Hutchings, and Rep. Love voting in opposition.

Sen. Buttars moved to call for previous question.

A vote was taken on Rep. Daniels original motion to approve the list of fees as proposed for the Department of Public Safety with the recommendation that the Auditor study and evaluate the fees during the interim. The motion failed with Sen. Buttars, Rep. Hutchings, Rep. Last, and Rep. Love voting in opposition. Rep. Bigelow and Rep. King were absent for the vote.

Base Budgets

Analyst Ball distributed a copy of the Supplemental Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the Year Ending June 30, 2004. He noted the following changes:

- Transfer of \$150,000 from the Governor's Office of Planning and Budget, Planning and Budget Analysis line item to the Governor's Office, Administration line item
- The General Fund is \$251,500 below target because of the transfer of 7 FTEs from Youth Corrections to the Department of Human Services.
- The subcommittee declined \$4,336,300 in savings proposed by the Analyst.

MOTION: Sen. Arent moved to approve the Supplemental Recommendations of the Appropriations Subcommittee for Executive Offices & Criminal Justice for the Year Ending June 30, 2004 including the transfer of \$150,000 between line items in the Governor's Office. The motion passed unanimously with Rep. King absent for the vote.

Analyst Ball distributed a copy of the Recommendations for Appropriations Subcommittee for Executive Offices & Criminal Justice for the Year Ending June 30, 2005. He noted the following changes:

- Transfer of \$200,000 from the Governor's Office of Planning and Budget, Demographic and Economic Analysis line item to the Governor's Office, Administration line item;
- Adding \$100,000 Dedicated Credits Revenue for the Governor's Task Forces;
- Intent Language:

The Joint Appropriations Subcommittee for Executive Offices and Criminal Justice recommends that the increase in salaries for the District Court Judges be set at the same level as that for the other state employees.

MOTION: Rep. Daniels moved to approve the Recommendations for Appropriations Subcommittee for Executive Offices & Criminal Justice for the Year Ending June 30, 2005 on pages 1 and 2, along with the intent language on pages 3,4,5, and the top of page 6, but not to approve the Rates and Fees that follow on pages 6,7, and 8.

SUBSTITUTE

MOTION: Rep. Dunnigan moved to approve the Recommendation for Appropriations Subcommittee for Executive Offices & Criminal Justice for the Year Ending June 30,2005 on pages 1 and 2, along with the intent language on pages 3,4,5 and the top of page 6, the Rates and Fees on 6,7, and 8, but excluding Concealed Carry Weapons Firearms Instructor Renewal. The motion failed with Sen. Waddoups, Sen. Buttars, Rep. Hutchings, Rep. Last, and Rep. Love voting in opposition. Sen. Arent, Rep. Daniels, Rep. Dunnigan, and Rep. Hogue voted in favor. Rep. King was absent for the vote.

A vote was taken on the original motion. The motion passed unanimously with Rep. King absent for the vote.

Co-Chair Buttars moved to saunter at 3:25 p.m.

Co-Chair Buttars reconvened the meeting at 3:54.

Priorities List

Analyst Ball distributed a copy of the Priorities List as of Thursday, February 12, 2004.

MOTION: Rep. Buttars moved to re-prioritize the Priorities List.

SUBSTITUTE

MOTION: Rep. Daniels moved to accept the priorities list as listed in priority order for Thursday, February 12, 2004. The motion failed with Sen. Waddoups, Rep. Love, and Sen. Buttars voting in opposition. Rep. King was absent for the vote.

SUBSTITUTE

MOTION: Rep. Love moved to place the following on the priorities list:

Sworn Officer Salary Compression(10% Increase)	\$3,000,000
Juvenile Court Commissioner and 2 Staff	227,800
Restore Appellate Mediation Funds	157,800
SB-21 Drug Offenders' Reform Act	6,200,000
Attorney General Market Comparability Adjustments	2,200,000
Criminalists	107,900
Sex Offender Treatment	518,322
Washington County Youth Detention Center Operations	1,117,000
Oxbow Operations	4,000,000
Oxbow CCC	<u>1,600,000</u>
Total	\$19,128,822

The motion passed with Sen. Arent, Rep. Last, and Rep. Hogue voting in opposition with Rep. King absent for the vote.

MOTION: Rep. Dunnigan moved to approve the fees, including the increases to those fees, as listed in the Recommendation for Appropriations Subcommittee for Executive Offices & Criminal Justice for the Year Ending June 30, 2005, with the exception of Concealed Carry Weapons Firearms Instructor Renewal which is to remain at \$5.00. The motion passed with Sen. Arent and Rep. Daniels voting in opposition. Rep. King was absent for the vote.

Medical Services Report

Dave Worthington, Director, Division of Institutional Services, and Dr. Richard Garden, Clinical Director, Department of Corrections, presented the Clinical Services Privatization Report along with recommendations to the subcommittee. A handout was distributed. The overall recommendation concluded that privatization of Corrections Clinical Services Bureau would not yield cost savings to the state.

MOTION: Rep. Hutchings moved to accept the Clinical Services Privatization Report. The motion passed unanimously with Rep. King absent for the vote.

Co-Chair Butters redirected the subcommittee to the priorities list.

MOTION: Hutchings moved to place the following on the priorities list:

Sworn Officer Salary Compression(10% Increase)	\$3,000,000
Juvenile Court Commissioner and 2 Staff	227,800
Restore Appellate Mediation Funds	157,800
SB-21 Drug Offenders' Reform Act	6,200,000
Attorney General Market Comparability Adjustments	2,200,000
Criminalists	107,900
Sex Offender Treatment	<u>518,322</u>
	\$12,411,822

The motion passed with Rep. Last voting in opposition and Rep. King absent for the vote.

MOTION: Rep. Daniels moved to approve the priorities list as it currently stands. The motion passed unanimously with Rep. King absent for the vote.

MOTION: Rep. Love moved to accept the following intent language:

It is the intent of the Legislature that in the FY 2005 the Judicial Council is authorized to create a Court Commissioner position for the Second Judicial District Juvenile Court with funds appropriated for that purpose.

The motion passed unanimously with Rep. King absent for the vote.

Analyst Ball listed the state obligations that the subcommittee needed to address.

Sen. Waddoups advised the Chairs that they will need to be prepared to explain to that Executive Appropriations why these state obligations were not put in the base budgets.

MOTION: Rep. Hogue moved to increase the FY 2005 Base Budget Recommendation for Executive Offices & Criminal Justice by the following amounts: \$171,000 Leases and Contracts-Courts, \$138,900 Cruiser Wiring Harness-Public Safety, \$103,000 Cruiser Equipment-Public Safety, \$412,000 Building Leases-Public Safety, and from FY 2004 Supplementals increase the base budget recommendation by \$300,000 one time University of Utah Miners' Hospital Settlement, \$260,000 UPEA/UEA Lawsuit, \$114,900 David C. vs. Leavitt, \$23,000 Brian Barnard Lawsuit, \$100,000 Robert Allsop Lawsuit, and \$347,400 Building Leases-Public Safety. The motion passed unanimously with Rep. King

absent for the vote.

MOTION: Rep. Daniels moved to approve for the Commission on Juvenile and Criminal Justice from the Crime Victims Reparation Fund the following: \$14,000 Additional Rent, \$36,500 Office Tech III Position, and \$47,800 Reparation Officer Position, and for the Attorney General's Office, \$100,000 from the GFR-Tobacco Settlement Fund. The motion passed unanimously with Rep. King absent for the vote.

Other Business

Scott Carver, Deputy Director, Department of Corrections responded to questions concerning the elimination of the Administrative Law Judge (ALJ) in the Department of Corrections. The elimination was justified based on budget considerations and it was determined that these duties could be assumed within existing resources. In addition, the staff disciplinary and grievance process was revamped to better insure that the rights of staff and the inmates were protected.

Mark Walsh, Utah Association of Counties, responded to the current statutory language on Jail Reimbursement Core Costs and Medical and Transportation Funding. Mr. Walsh felt that the original intent of the statute was to reimburse at the core rate that was agreed to at 70% as it applied to reimbursable prisoners and to reimburse the counties 100% of medical and transportation costs.

Mr. Walsh also indicated that the \$2 million from Mineral Lease Funds was originally intended to go to the counties. These monies were turned over to the state to support the RS 2477 Rights-of-Way.

Steve Wallace, Utah County, commented on the Jail Reimbursement Allocation, Rule vs. Statute, FY 2003 matrix distributed by Analyst Ball.

Brad Slater, Sheriff, Weber County spoke on Search and Rescue Operations.

MOTION: Rep. Hutchings moved to adjourn. The motion passed unanimously with Sen. Waddoups and Rep. King absent for the vote.

Co-Chair Buttars adjourned the meeting at 5:00 p.m.

Sen. D. Chris Buttars, Co-Chair

Rep. David L. Hogue, Co-Chair